

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

NEHEMIAS HUERTAS, JR,

Plaintiff,

v.

Case No. 19-cv-0592-bhl

TAYLOR WAITE, et al.,

Defendants.

ORDER

Plaintiff Nehemias Huertas, who is representing himself, is proceeding with a claim that the defendants were deliberately indifferent toward his serious medical condition. Dkt. No. 18. On January 28, 2021, the Court entered a scheduling order instructing Huertas to serve discovery on the named defendants to learn the real names of defendants Jane Does #1-7. Dkt. No. 83. The Court instructed Huertas to identify these individuals by June 14, 2021. Dkt. No. 95.

In March 2021, Huertas attempted to serve discovery requests on the named defendants in an attempt to identify Jane Does #1-7. *See* Dkt. Nos. 91-92. It appears that Huertas was unsuccessful in his attempts, so he filed two motions to compel the defendants to respond to his discovery requests. *See id.* The first motion to compel asked defendant Laura Sukowaty to identify the individuals who worked during first and second shift on seven specific days in May 2019. *See* Dkt. No. 96 at 2. The second motion to compel asked Armor Correctional Health Care to produce various medical records. Dkt. No. 92. The Court ordered the defendants to file a response to the motions to compel by May 10, 2021. *See* Dkt. No. 95.

On May 14, 2021, Sukowaty filed a response to the first motion to compel stating that she no longer works at the Milwaukee County Jail and is no longer employed with the private health

contractor that provides health services at that facility, so she does not have access to employment or shift records or Huertas' medical charts from 2019. Dkt. No. 96 at 2. She also does not remember who worked with her on those specific days more than two years ago. *Id.* Sukowaty cannot provide information that she does not have. Thus, the Court will deny the first motion to compel.

The Court nonetheless has an obligation to assist Huertas in identifying these individuals. *See Donald v. Cook County Sheriff's Dep't*, 95 F.3d 548, 555 (7th Cir. 1996) ("To the extent the plaintiff faces barriers to determining the identities of the unnamed defendants, the court must assist the plaintiff in conducting the necessary investigation."). The Court will hold a telephonic hearing on **May 27, 2021 at 11:30 a.m.** to discuss this matter with the parties.

The Court will also deny the second motion to compel. *See* Dkt. No. 92. Armor Correctional Health Services is no longer a defendant in this case and has no obligation to respond to Huertas' motion to compel.

IT IS ORDERED that the plaintiff's motions to compel (Dkt. Nos. 91-92) are **DENIED**. The Court will hold a telephonic hearing on **May 27, 2021 at 11:30 a.m.** To appear by telephone, the parties must call the Court conference line at 1-866-434-5269, and enter access code 1737450# before the scheduled hearing time.

Dated at Milwaukee, Wisconsin this 17th day of May, 2021.

s/ Brett H. Ludwig
Brett H. Ludwig
United States District Judge